

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>No. 1:07CR7-1</b>
	)	
<b>ROGER LEE CARTER, II,</b>	)	
	)	
<b>Defendant,</b>	)	
	)	
<b>and</b>	)	
	)	
<b>FIRST CITIZENS BANK &amp; TRUST,</b>	)	
	)	
<b>Garnishee,</b>	)	
	)	
<b>and</b>	)	
	)	
<b>WOODFOREST NATIONAL BANK,</b>	)	
	)	
<b>Garnishee.</b>	)	

**RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

On January 31, 2007, the court issued a Writ of Continuing Garnishment to First Citizens Bank & Trust and Woodforest National Bank against any and all accounts in the name of Roger Carter, II, including but not limited to, individual accounts and/or accounts held jointly with another individual or entity, or otherwise, including but not limited to accounts of Roger Carter, II d/b/a Explore America, LLC, and/or Explorer America, LLC, and/or Carter Motorsports, and/or Carter 2 Motorsports. On February 12, 2007, Defendant Roger Carter, II, was served with the Application, Notice and Writ of Garnishment. The Defendant filed a Request for A Hearing within the allowable time period. In his request,

Defendant did not claim any exemptions, but argued that the Court should “allow him to continue building [his] business.” The Court finds that a hearing in this matter is not necessary since Defendant raises no cognizable claim for an exemption.

**IT IS RECOMMENDED** that Defendant’s request for hearing (Pleading No. 20) be denied and that his nonexempt interest in his bank accounts at First Citizens Bank & Trust and Woodforest National Bank be held subject to garnishment.

/s/ P. Trevor Sharp  
United States Magistrate Judge

Date: May 7, 2007